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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,117	10/30/2001	David D. Faraldo II	.05220.P002X	7950

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EXAMINER
TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	10/016,117	FARALDO, DAVID D.
	Examiner	**Art Unit**	
	Nicholas R. Taylor	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 June 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,7-10,12,15-18,20,23-26 and 28-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,7-10,12,15-18,20,23-26 and 28-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/6/05.*

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   The PCT application 0 022 534 listed under Foreign Patent Documents on the

10/30/2001 PTO-1449 form has been considered by the Examiner.

2.   Claims 1, 2, 4, 7-10, 12, 15-18, 20, 23-26 and 28-40 have been presented for

examination and are rejected.

Response to Arguments

3.   Applicant's arguments filed 6/6/2005 with respect to claim 1-29 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1, 2, 4, 7, 9, 10, 12, 15, 17, 18, 20, 23, 25, 26, 28-32, 39, and 40 are

rejected under 35 U.S.C. 102(e) as being anticipated by Vijayan (US Patent 6,832,341.)

6.   As per claims 1, 9, 17, and 25, Vijayan teaches a method, comprising:

enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy; and (Vijayan, column 5, lines 14-44, specifically the default FMP alert)

enabling an advanced notification rule to preempt the standard notification rule upon the occurrence (Vijayan, column 5, lines 55-59, specifically the FDAT defined FMP alert with escalations.)

7.   As per claims 2, 10, 18, and 26, Vijayan teaches the system further comprising: generating a second notification to a second person in the hierarchy based on the advanced notification rule (Vijayan, column 6, lines 1-26.)

8.   As per claims 4, 12, 20, and 28, Vijayan teaches the system further comprising: suspending the generating of the first notification based on the advanced notification rule (Vijayan, column 5, lines 55-59 and column 6, lines 1-26.)

9.   As per claims 7, 15, and 23, Vijayan teaches the system further wherein the advanced notification rule includes a scope and wherein the scope of the advanced notification rule is configured by at least one of the group consisting of a company, a satellite, a host assigned to a company, a service configured on a host for a company, a

check type, a host state, a service state, a contact group, and a message pattern
(Vijayan, column 5, lines 30-44 and 55-59.)

10.   As per claim 29, Vijayan teaches the system further wherein the communications
device transmit the first notification to the first person in the hierarchy and the processor
acknowledges the first notification (Vijayan, column 5, lines 30-44.)

11.   As per claim 30, Vijayan teaches the system further wherein the advanced
notification rule comprises a redirect standard notification (Vijayan, column 6, lines 1-
10.)

12.   As per claim 31, Vijayan teaches the system further wherein the redirect
standard notification redirects the first notification to a second person (Vijayan, column
6, lines 1-10.)

13.   As per claim 32, Vijayan teaches the system further wherein the advanced
notification rule comprises a supplemental notification (Vijayan, column 6, lines 1-25
when the system sends supplemental notifications to additional administrators.)

14.   As per claims 39 and 40, Vijayan teaches the system further wherein the
advanced notification rule comprises one of a redirect standard notification, a

supplemental notification, a suspend standard notification, or an automatic

acknowledgement (Vijayan, column 6, lines 1-10.)

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

16.   Claims 8, 16, 24, and 33-38 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Vijayan (US Patent 6,832,341) and Graf (US Patent 5,619,656.)

17.   As per claims 8, 16, and 24, Vijayan teaches the above, yet fails to teach where

the advanced notification rule is configured to preempt the standard notification rule for

a temporary amount of time.

Graf teaches an event notification system (Graf, column 5, lines 38-41) that

teaches notifications that preempt standard notifications for a temporary amount of time

(Graf, column 19, lines 49-67.) It would have been obvious to one of ordinary skill in the

art, at the time the invention was made, to have combined Vijayan and Graf to provide

the notification system of Graf in the system of Vijayan, because doing so would

enable a tool that automatically detects and informs administrators of problems in

networking systems (Graf, column 3, lines 8-24.)

18.   As per claim 33, Vijayan teaches the above, yet fails to teach where the supplemental notification directs the first notification to a second person in addition to the first notification to the first person.

Graf teaches an event notification system (Graf, column 5, lines 38-41) that directs an additional notification to a second person (Graf, column 21, lines 37-44), suspends a standard notification (Graf, column 20, lines 1-5), and automatically acknowledges notifications (Graf, column 20, lines 50-67.) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Vijayan and Graf to provide the notification system of Graf in the system of Vijayan, because doing so would enable a tool that automatically detects and informs administrators of problems in networking systems (Graf, column 3, lines 8-24.)

19.   As per claim 34, Vijayan teaches the above, yet fails to teach wherein the advanced notification rule comprises a suspend standard notification.

Graf teaches an event notification system (Graf, column 5, lines 38-41) that directs an additional notification to a second person (Graf, column 21, lines 37-44), suspends a standard notification (Graf, column 20, lines 1-5), and automatically acknowledges notifications (Graf, column 20, lines 50-67.) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Vijayan and Graf to provide the notification system of Graf in the system of Vijayan, because doing so would enable a tool that automatically detects and informs administrators of problems in networking systems (Graf, column 3, lines 8-24.)

20.   As per claim 35, Vijayan-Graf teaches the system further wherein the suspend

notification, upon satisfaction of the standard notification rule, suspends the standard

notification rule (Graf, column 20, lines 1-5.)

21.   As per claim 36, Vijayan teaches the above, yet fails to teach wherein the

advanced notification rule comprises an automatic acknowledgement.

Graf teaches an event notification system (Graf, column 5, lines 38-41) that

directs an additional notification to a second person (Graf, column 21, lines 37-44),

suspends a standard notification (Graf, column 20, lines 1-5), and automatically

acknowledges notifications (Graf, column 20, lines 50-67.) It would have been obvious

to one of ordinary skill in the art, at the time the invention was made, to have combined

Vijayan and Graf to provide the notification system of Graf in the system of Vijayan,

because doing so would enable a tool that automatically detects and informs

administrators of problems in networking systems (Graf, column 3, lines 8-24.)

22.   As per claim 37, Vijayan-Graf teaches the system further wherein the automatic

acknowledgement automatically acknowledges receipt of the standard notification by

the first person (Graf, column 20, lines 50-67.)

23.   As per claim 38, Vijayan-Graf teaches the system further comprising preventing

escalation of the first notification using the automatic acknowledgment (Graf, column 20,

lines 50-67.)

Conclusion

24.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. This includes US Patents 6,813,634 and 6,766,368.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-

3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm,

with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number

for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER